

Robert Cross of Rowridge and his church pew (1785 – 1789)

Disputes over the rights of individuals to exclusive use of a particular pew in church have rumbled on since pews were first introduced at about the time of the Reformation. In the late 1700's a dispute arose over pew rights that involved Robert Cross of Rowridge, Halberton.

Cross claimed that he had always sat in a pew which he had built at his own expense in "about 1736" and had maintained thereafter. He took umbrage when in 1785 a Mr Salter and his wife sat in the said pew several times. Cross took Salter to court, complaining that he had disturbed his "interest, right and property".

The case was heard in the consistory courts (a type of ecclesiastical court which lost much of their jurisdiction in the mid nineteenth century). The initial hearing in Exeter in 1787 decreed that "the pew in question did belong to the said plaintiff (Cross), as owner of a certain messuage called Rowridge in the said parish of Halberton; that the defendant (Salter) and his wife had intruded themselves into it and thereby they disturbed the plaintiffs (Cross) right". The court "admonished the defendant (Salter) to quit the same and not to disturb the plaintiff in his right of sitting in the said pew". Salter was ordered to pay costs.

Salter took the case to appeal at the Court of Arches (a higher consistory court) and the first verdict was reversed; the court ruled that the pew did not belong to Cross. But that Court also admonished Salter and told him not to use the pew again. He was ordered to pay costs. Salter and his wife then appealed to the next court up the line, the Delegates, where he argued that the Court of Arches had done wrong in admonishing them not to sit in the pew and "condemning them to costs". On the 6th July 1789 that Court dismissed the appeal, with costs.

A central question remained unanswered; did this case add anything to the existing body of law relating to the right of an individual to claim exclusive use of a church pew?

The case was considered by the Court of the Kings Bench in 1789. The legal arguments on both sides were complex (if you really want to read them follow the link below). Mr Salter's solicitor argued that the ecclesiastical courts had the same jurisdiction as common law courts. Those courts had already ruled that Robert Cross had no right to exclusive use of his pew. It was also argued in Court that neither Cross nor Salter had any right at all to the pew in question and it was only because Salter was the wrong-doer that the previous judgements forbade him to sit in the pew in future.

It probably came as a surprise to no-one in the court that Lord Kenyon, the Chief Justice, decided to go away and think about it all. At a later session he ruled that although this case showed that there was no "conclusive evidence of a right to sit in a pew", the arguments used in the case of Cross against Salter might not hold much weight in another trial.

Postscript; Disputes over pew rights were formerly decided by the ecclesiastical courts. A parishioner could enforce a pew right by an action for 'perturbation of seat'. However, this ecclesiastical jurisdiction was abolished by the Ecclesiastical Jurisdiction Measure of 1963. A pew right can now be enforced only in the secular courts, if at all.

Further reading

[The original record of the Court of the Kings Bench proceedings, 1789](#)

[A summary of the history of ecclesiastical law pertaining to pew rights](#)